

Panaji, 20th November, 1980 (Kartika 29, 1902)

SERIES I No. 34



OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Local Administration and Welfare Department

ORDER

6-12/78/VPT/LAWD

Whereas a notice dated the 10th October, 1980, under sub-section (2) of Section 52 of the Goa, Daman and Diu Village Panchayats Regulation, 1962 (hereinafter called as the said Regulation) was served on all the members of the Village Panchayat of Tivim-Sirsaim of Bardez Block (hereinafter called the "said Panchayat") calling upon them to show-cause, within 10 days from the date of receipt of the said notice, as to why the said Panchayat should not be dissolved on account of its incompetences to perform and for wilful and persistent failure to perform duties imposed on it by or under the said Regulation.

And whereas explanations dated 21-10-1980 have been received only from four members of the said Panchayat namely, Shri Premnath A. Maulinkar, Shri Joe Nazareth, Shri Madhu Shetye and Shri Madhu Kanolkar, endorsing the Government opinion to dissolve the said Panchayat and the remaining five members, namely; Shri Narayan S. Dhond, Sarpanch, Shri Moses Ferrao, Deputy Sarpanch, Shri Chandrakant Pednekar, Shri Madhav B. Gadkar, and Shrimati Vilasini Tilu Arondekar, vide their letters dated 25-10-1980 have requested extension of time limit to submit their say.

And whereas the Lt. Governor has considered the explanations received from the aforesaid members, and is of the opinion that the time limit of 10 days given to the members to show-cause was sufficient, and no further extension is warranted and is also satisfied that the said Panchayat has wilfully and persistently failed to perform and is incompetent to perform the duties imposed on it by or under the said Regulation or any other law for the time being in force.

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) read with sub-section (3) of section 52 of the said Regulation, the Lt. Governor of Goa, Daman and Diu hereby dissolves the Village Panchayat of Tivim-Sirsaim, with immediate effect and further directs that the Extension Officer (Village Panchayat) from the Block

Development Office, Bardez, shall exercise all the powers and perform all the duties of the said Village Panchayat until the said Village Panchayat is reconstituted in the manner provided in the said Regulations.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 14th November, 1980.

Industries and Labour Department

Notification

1/108/80-ILD

The following draft of the rules which the Government of Goa, Daman and Diu propose to make in exercise of the powers conferred by Section 67 read with Section 54.C of the Inland Vessels Act, 1917 (1 of 1917) and all other powers enabling it in this behalf is hereby pre-published as required by sub-section (1) of Section 74 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government on the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft rules may be forwarded to the Under Secretary to the Government of Goa, Daman and Diu, Industries and Labour Department, Secretariat, Panaji, before the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

DRAFT RULES

In exercise of the powers conferred by Section 67 read with Section 54.C of the Inland Vessels Act, 1917 (Central Act 1 of 1917) and all other powers enabling it in this behalf, the Government of Goa, Daman and Diu hereby makes the following rules, namely: —

1. *Short title, extent and commencement.* — (1) These rules may be called the Goa, Daman and Diu Inland Vessels Accident Claims Tribunals Rules, 1980.

(2) They shall extend to the whole of the Union Territory of Goa, Daman and Diu.

(3) They shall come into force at once.

2. Definitions. — In these rules, unless the context otherwise requires: —

(a) "Act" means the Inland Vessels Act, 1917 (Central Act 1 of 1917);

(b) "Claims Tribunal", means an Inland Vessels Accidents Claims Tribunal constituted under the Act;

(c) "Legal representative", shall have the meaning assigned to it under Clause (II) of section 2 of the Code of Civil Procedure, 1908.

3. Procedure regarding compensation arising out of accidents. — (1) An application for compensation arising out of accident of the nature specified in sub-section (1) of section 110 under Chapter VIA of the Act by persons specified in sub-section (1) of section 110A of the said chapter VIA made to the Inland Vessels Accidents Claims Tribunal having jurisdiction over the area in which the accident occurred, shall be in Form Comp. A. of the Schedule appended to these rules and shall contain the particulars specified in that Form.

(2) Every such application shall be sent to the Tribunal or to the Chairman in case the Tribunal consists of more than one member, by registered post or may be presented to such member of the staff of the Tribunal as the Tribunal, or as the case may be, the Chairman may authorise for the purpose and, if so sent or presented, shall, unless the Tribunal or Chairman otherwise directs, be made in duplicate and shall be signed by the applicant.

(3) There shall be appended to every application a certificate which shall be signed by the applicant to the effect that the statement of facts contained in the application is true to the best of his knowledge and belief.

4. Fees. — (1) An application for compensation under rule 3 shall be accompanied by a fee of Rs. 10/- in the form of court fee stamps.

(2) The Claims Tribunal may exempt the party from the payment of fee prescribed under sub-rule (1):

Provided that where a claim of a party has been accepted by the Claims Tribunal, the party shall have to pay the prescribed fee, exemption in respect of which has been granted initially before a copy of the judgement is obtained.

5. Experts. — (1) The Claims Tribunal may for the purpose of adjudication upon any claim for compensation, choose not more than two persons having technical or special knowledge with respect to any matter before the Tribunal for the purpose of assisting the Tribunal in the holding of the enquiry.

(2) The expert shall perform such functions as the Tribunal may direct.

(3) The remuneration, if any, to be paid to the expert shall, in every case, be determined by the Tribunal.

6. Exercise of powers by Claims Tribunal. — The Claims Tribunal may exercise all the powers of a Civil Court save in so far as the same are not inconsistent with the provisions of the Inland Vessels Act, 1917 and the rules framed thereunder.

7. Examination of applicant. — On receiving an application under rule 3, the Claims Tribunal may examine the applicant upon oath, and the substance of such examination shall be reduced to writing and shall be signed by the member constituting the Tribunal or as the case may be, the Chairman.

8. Summary dismissal of application. — The Claims Tribunal may, after considering the application and the statement, if any, of the applicant recorded under rule 7, summarily dismiss the application if, for reasons to be recorded, the Tribunal is of opinion that there are not sufficient grounds for proceeding therewith.

9. Notice to opposite party. — If the application is not dismissed under rule 8, the Claims Tribunal shall send to the insurer or the owner of the Inland Vessel from whom the applicant claims relief (hereinafter referred to as the opposite party), a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce upon that date any evidence which they may wish to tender.

10. Appearance and examination of opposite party. — (1) The opposite party may, and if so required by the Claims Tribunal, shall, at or before the first hearing or within such time as the Claims Tribunal may permit, file a written statement dealing with the claims raised in the application, and any such written statement shall form part of the record.

(2) If the opposite party contests the claim, the Claims Tribunal may, and if no written statement has been filed, shall proceed to examine him upon the claim and shall reduce the result of the examination to writing.

11. Framing of issues. — After considering any written statement and the result of any examination of the parties, and of any local inspection, the Claims Tribunal shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.

12. Determination of issue. — After framing the issues, the Claims Tribunal shall proceed to record evidence thereon which each party may desire to produce.

13. Method of recording evidence. — The member constituting the Tribunal or the Chairman thereof shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and such memorandum may either be written by him or got typed at his dictation. In either case the memorandum shall be signed by the Tribunal or by the Chairman thereof and shall form part of the record.

Provided that the evidence of a medical witness shall be taken down as nearly as may be, word by word.

14. *Local Inspection.* — (1) The Claims Tribunal may, at any time during the course of an inquiry before it, visit the site at which the accident occurred for the purpose of making a local inspection or examining any persons likely to be able to give information relevant to the proceedings.

(2) Any party or the representative of any party may accompany the Claims Tribunal for a local inspection.

(3) The Claims Tribunal after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and shall supply any party with a copy thereof.

(4) The memorandum shall form part of the record.

15. *Power of summary examination.* — (1) The Claims Tribunal during a local inspection or at any other time, save at a formal hearing of a case pending before it, may examine summarily any person likely to be able to give information relating to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

(2) No oath shall be administered to a person examined under sub-rule (1).

16. *Diary.* — The Claims Tribunal shall maintain a brief diary of the proceedings initiated on application.

17. *Reasons for postponement to be recorded.* — If the Claims Tribunal finds it impossible to dispose of an application at one hearing, it shall record the reasons which necessitate the postponement and also inform the parties present of the date of adjourned hearing.

18. *Judgement and award of compensation.* — (1) The Claims Tribunal in passing orders, shall record concisely in a judgement the findings on each of the issues framed and the reasons for such findings and make an award specifying the amount of compensation to be paid by the insurer and also person or persons to whom compensation shall be paid.

(2) Where compensation is awarded to two or more persons the Claims Tribunal shall also specify the amount payable to each of them.

19. *Summoning of witnesses.* — If an application is presented by any party to the proceedings for citation of witnesses, the Claims Tribunal shall, on payment of such expenses and fees, if any, as it may determine, issue summons for the appearance of such witnesses, unless it considers that their appearance is not necessary for a just decision of the case.

20. *Appearance of legal practitioner.* — The Claims Tribunal may, in its discretion, allow any party to appear before it through a legal practitioner.

21. *Receipt for compensation.* — Upon payment of compensation, a receipt shall be obtained by the Claims Tribunal and such receipt shall be forwarded to the insurer concerned or as the case may be, to the owner of the Inland vessel for purpose of record.

22. *Code of Civil Procedure to apply in certain cases.* — In so far as these rules make no provision or make insufficient provisions, the Claims Tribunal shall follow the procedure laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908) for the trial of suits.

23. *Savings.* — Notwithstanding anything contained in these rules, in the case of a minor accident, the Claims Tribunal may follow such summary procedure as it thinks fit.

24. *Form of appeal and contents of memorandum.* — (1) Every appeal against the award of the Claims Tribunal shall be preferred in the form of a memorandum signed by the appellant or an advocate or attorney of the Judicial Commissioner's Court, duly authorised in that behalf by the appellant, and presented to the Judicial Commissioner's Court or such officer as it appoints in this behalf. The memorandum shall be accompanied by a copy of the award.

(2) The memorandum shall set forth concisely and under distinct heads the grounds of objection to the award appealed from without any argument or narrative, and such grounds shall be numbered consecutively.

(3) Save as provided in sub-rules (1) and (2), the provisions of Order XLI in the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908) shall mutatis mutandis apply to appeals preferred to the High Court under section 110.D.

SCHEDULE

Form Comp. A

Form of application for compensation

(See Rule 3)

An application for compensation arising out of inland vessels accidents
To,

The Inland Vessels Accidents Claims Tribunal,

... residing at ... Applicant(s);

versus

... residing at ... Opposite party

1. Full name(s) of applicant(s) with age.

- i) ...
- ii) ...
- iii) ...

2. If accident has caused death

- a) relationship of each applicant with the deceased
- b) age of deceased;

3. Local address of applicant ...

4. Permanent address of applicant ...

5. Monthly income of injured person or deceased ...

6. Nature of injuries sustained and disablement caused ...

7. Date and place of accident ...

8. Registration mark of the inland vessel involved ...

9. Name and address (if known) of:

- (a) Master of the inland vessel ...
- (b) Driver of the inland vessel ...
- (c) Owner of the inland vessel ...
- (d) Insurer of the inland vessel ...

10. Brief particulars of the accident ...

11. Quantum of compensation claimed and basis thereof ...

12. Grounds on which compensation claimed (mention briefly the cause of action) ...

13. Whether demand for compensation has been made, if so, when and with what results ...

14. If claim for compensation is not made within sixty days of the accident the grounds thereof ...

I hereby certify that the statement of facts mentioned above are true to the best of my knowledge and belief.

Dated:

Signature of claimant or authority agent

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Industries & Labour).

Panaji, 13th November, 1980.

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Law Department (Legal Advice)

Notification

LD/6/24/80-LGL

The following Acts which were passed by the Legislative Assembly of Goa, Daman and Diu on 13th October, 1980 and assented to by the Administrator of Goa, Daman and Diu on 4-11-1980 are hereby published for the general information of the public.

B. S. Subbanna, Draftsman.

Panaji, 12th November, 1980.

**THE GOA, DAMAN AND DIU APPROPRIATION
(EXCESS EXPENDITURE FOR 1974-75)
ACT, 1980**

(Act No. 11 of 1980) [4-11-1980]

An Act to provide for the authorisation of appropriation of moneys from and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu to meet the amounts spent on certain services during the year 1974-75 in excess of the amounts granted for those services and for that period.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-first Year of the Republic of India as follows:—

1. **Short title.**— This Act may be called the Goa, Daman and Diu Appropriation (Excess Expenditure for 1974-75) Act, 1980.

2. **Issue of Rs. 43,815 out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu to meet excess expenditure for the year 1974-75**— From and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu, the sums specified in column 5 of the Schedule amounting in the aggregate to the sum of forty three thousand, eight hundred and fifteen rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule for the year 1974-75 in excess of the amounts granted for those services and for that period.

3. **Appropriation.**— The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu under this Act, shall be deemed to have been appropriated for the services and purposes expressed in the Schedule for the year 1974-75.

THE SCHEDULE

(See Sections 2 & 3)

No. of Demand	Services and purposes	Voted by Assembly	Sums not exceeding	
			Charged on the Consolidated Fund of the Union territory of Goa, Daman and Diu	Total excess over grants/appropriation
1	2	3	4	5
3.	Administration of Justice	—	9,247 9,247
7.	Police and Fire Services	7,417	— 7,417
9.	Stationery and Printing	23,212	— 23,212
16.	Information and Publicity	1,129	— 1,129
23.	Industries	2,810	— 2,810
	Total	34,568	9,247 43,815

Secretariat,

U. D. SHARMA

Panaji,

Secretary to the Government

of Goa, Daman and Diu,

12th November, 1980.

Law Department (Legal Advice)

**THE GOA, DAMAN AND DIU APPROPRIATION
(EXCESS EXPENDITURE FOR 1975-76)
ACT, 1980**

(Act No. 12 of 1980) [4-11-1980]

An Act to provide for the authorisation of appropriation of moneys from and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu to meet the amounts spent on certain services during the year 1975-76 in excess of the amounts granted for those services and for that period.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-first Year of the Republic of India as follows:—

1. **Short title.**— This Act may be called the Goa, Daman and Diu Appropriation (Excess Expenditure for 1975-76) Act, 1980.

2. **Issue of Rs. 97,060 out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu to meet excess expenditure for the year 1975-76**— From and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu, the sums specified in column 5 of the Schedule amounting in the aggregate to the sum of ninety seven thousand and sixty rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule for the year 1975-76 in excess of the amounts granted for those services and for that period.

fied in column 2 of the Schedule for the year 1975-76 in excess of the amounts granted for those services and for that period.

3. Appropriation. — The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu under this Act, shall be deemed to have been appropriated for the services and purposes expressed in the Schedule for the year 1975-76.

THE SCHEDULE

(See Sections 2 & 3)

No. of Demand No.	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Conso- lidated Fund	Total of the Union territory of Goa, Daman and Diu
			excess over grants/ap- propriation	
1	2	3	4	5
		Rs.	Rs.	Rs.
10	Other General Services ...	13,694	—	13,694
24	Road and Water Transport Services (including Ports) ...	83,366	—	83,366
	Total ...	97,060	—	97,060

Secretariat,
Panaji,
12th November, 1980.

U. D. SHARMA
Secretary to the Government
of Goa, Daman and Diu,
Law Department (Legal Advice)

THE GOA, DAMAN AND DIU APPROPRIATION (EXCESS EXPENDITURE FOR 1976-77) ACT, 1980

(Act No. 13 of 1980) [4-II-1980]

An Act to provide for the authorisation of appropriation of moneys from and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu to meet the amounts spent on certain services during the year 1976-77 in excess of the amounts granted for those services and for that period.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-first Year of the Republic of India as follows: —

1. Short title. — This Act may be called the Goa, Daman and Diu Appropriation (Excess Expenditure for 1976-77) Act, 1980.

2. Issue of Rs. 62,33,068 out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu to meet excess expenditure for the year 1976-77 — From and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu, the sums specified in column 5 of the Schedule amounting in the aggregate to the sum of sixty two lakhs, thirty three thousand and sixty eight rupees shall be deemed to

have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule for the year 1976-77 in excess of the amounts granted for those services and for that period.

3. Appropriation. — The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu under this Act, shall be deemed to have been appropriated for the services and purposes expressed in the Schedule for the year 1976-77.

THE SCHEDULE

(See Sections 2 & 3)

No. of Demand No.	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Conso- lidated Fund	Total of the Union territory of Goa, Daman and Diu
			excess over grants/ap- propriation	
1	2	3	4	5
		Rs.	Rs.	Rs.
7.	Police and Fire Services ...	72,458	—	72,458
8.	Jails ...	14,203	—	14,203
14.	Education, Art and Culture ...	25,58,687	—	25,58,687
15.	Medical, Family Welfare and Public Health, Sanitation and Water Supply	19,55,301	—	19,55,301
17.	Labour and Employment ...	2,83,159	—	2,83,159
22.	Irrigation and Power Projects ...	13,49,260	—	13,49,260
	Total ...	62,33,068	—	62,33,068

Secretariat,
Panaji,
12th November, 1980.

U. D. SHARMA
Secretary to the Government
of Goa, Daman and Diu,
Law Department (Legal Advice)

Notification

6/19/80-LGL

The following rules namely the Goa, Daman and Diu Civil and Criminal Courts (Destruction of Record) Rules, 1980 which have been framed by the Court of the Judicial Commissioner, Goa, Daman and Diu and which have been approved by the Government are hereby published for general information of the public.

R. V. Durbhatker, Under Secretary (Law).

Panaji, 10th November, 1980.

Court of the Judicial Commissioner Goa,
Daman and Diu at Panaji

Notification

(JCC/LIB/180/80/R)

RULES

In exercise of the powers conferred by Section 3(2)(a) of the Destruction of Records Act 1917 (Act No. V of 1917) and all other powers enabling it in that behalf, the Court of the Judicial Commissioner Goa, Daman and Diu, declared as High Court under Section 3 of the Goa, Daman and Diu Judicial Commissioner's Court (Declaration as High Court) Act, 1964 (Act No. 16 of 1964) with the approval of the Government makes the following rules namely:-

1. *Short Title.*— These rules may be called the Goa, Daman and Diu Civil and Criminal Courts (Destruction of Record) Rules, 1980.

2. *Commencement.*— They shall come into force at once.

CHAPTER I

Destruction of Records of Civil Cases

The following rules for the destruction of records are framed for guidance of the Subordinate Courts under section 3 of the Destruction of Records Act, of 1917:—

- 3(1) A The papers which are required to be preserved permanently shall be marked 'A' and kept in file "A".
- B The papers which are required to be destroyed at the end of 30 years shall be marked 'B' and kept in file "B".
- C The papers which are required to be destroyed at the end of 12 years, shall be marked 'C' and kept in file "C".
- D The papers which are required to be destroyed at the end of 3 years, shall be marked 'D' and kept in file "D".

(2) The above periods shall be calculated from the date of the final decree or order, which in cases in which appeal or revision applications are filed, will be that of the appellate or revisional Court.

(3) Cumbrous and bulky exhibits, such as account books and the like, which cannot be conveniently kept with the record of the cases in which they have been used, but which have to be preserved separately e. g. in boxes and bundles, may be destroyed, under the orders of the District Judge, after the expiry of one year from the date of the final decision of the Court. In such cases one month's clear notice of the intended destruction shall be served, before the expiry of the said period, on the parties concerned or on their lawyers.

(4) The work of destruction of records should be done regularly once a year preferably in the summer vacation. It is the duty of the members of the establishment in charge of the record room of the Court to sort out and destroy records.

(5) The destruction of useless records should be effected by tearing them into small pieces and by burning the same, thereafter.

(6) The several registers and files prescribed or sought to be prescribed by the High Court are classified as follows for the purpose of destruction of records:—

Nature	Classification
1. Register of Suits	A
2. Register of Applications for Execution	B
3. Register of Applications requiring Judicial enquiry	A
4. Register of applications not requiring Judicial Enquiry	C
5. Register of Insolvency petitions	A
6. Daily Registers of plaints received	D
7. Register of rejected plaints	C
8. File of plaints returned for presentation to the proper Court	B
9. Register of Sale Certificates	C
10. Register of Darkhasts transferred to the Collector for Execution	B
11. Register of Decree received for execution	C
12. Daily Court fee Register	C
13. Process fee Register	C
14. Register of cases in which Nazir is appointed guardian ad-litem	C
15. Registers of decided cases	C
16. Register of interim applications	D
17. Register of Commissions issued	D
18. Register of Stamp duty and Penalty	C
19. Copying fee account and Registers relating thereto	C

Note.— Before the Registers in Form 'C' and 'D' are destroyed all the outstanding items therein including amounts lapsed to Government should be transferred to new Registers in the same forms under the initials of the Judge of the Court and these new Registers (to be called the permanent Registers C and D) should be preserved permanently.

Nature	Classification
20. Memo Books	C
21. Daily and Weekly Boards	D
22. Correspondence file of ephemeral importance	C
23. Instructions issued for guidance on examination of accounts (from the date of receipt).	B
24. Correspondence and office copies of correspondence relating to preparation of Paper Books in	

Nature	Classification
proceedings before Appellate and Revisional Courts	D
25. Other Miscellaneous correspondence (From the date of disposal of the subject to which such correspondence relates).	D

4. The following records shall be destroyed after a period of six years if they had been audited wherever applicable and are not required for any other purpose, for a longer period:—

- (1) Receipt Books for money deposited in the Treasury.
- (2) Account Books of postage stamps.
- (3) Miscellaneous reports of Civil Judges to District Judges.
- (4) Office copies of Monthly, Half Yearly and Annual Returns of every description.
- (5) Office copies of Returns of unanswered letters.
- (6) Receipts of registered letters and Money-orders.
- (7) Lawyer's applications for leave etc.
- (8) Bailiff's process serving and receipt book.
- (9) Applications for copies and translations.
- (10) Receipt books of documents given to copyist.
- (11) Counterfoils of Court Fee Refund Certificates.
- (12) Sine die lists.
- (13) The Diary of Miscellaneous work.
- (14) Receipt books of documents returned to parties.
- (15) Statements relating to the Annual Report on the administration of civil justice.

(16) Letters from Superior Courts calling for reports or explanations and Office copies of the reports or explanations submitted to the Superior Courts (from the date of report or explanations).

5. Any other file or document not specially provided for, may be destroyed with the permission of the District Judge, after such period as he may determine.

6. Notwithstanding anything contained in these Rules, the District Judge or the Civil Judge with the permission of the District Judge may preserve the papers mentioned above for a longer time than that prescribed above if in his opinion it is necessary to do so.

CHAPTER II

Papers forming Part of Court Proceedings in Criminal Cases

7. The record of a substantive criminal proceeding should not be considered due for despatch to the record room of the Court (or to the common Record Room when provided) until the expiry of the period of appeal or revision application and, if any appeal or revision application has been instituted, until after the disposal of the appeal or revision applica-

tion. As a matter of precaution, the records of all cases should be kept intact in the sequence of the serial numbers of the institutions, for two months beyond the period of appeal or revision and then put up for the filing orders of the presiding Officer.

8. (i) Immediately after the passing of the filing order in any case, the record shall be arranged in four files marked as File 'A', File 'B', File 'C' and File 'D'.

(ii) The arrangement of the record according to this classification is required to be made to simplify the task of maintaining the record in the record room of the Court/common Record Room according to the periods for which they are required to be preserved as prescribed below.

9. The classification of the record and the marking and filing thereof as A, B, C or D should be done in accordance with the directions below:

(1) The papers, which are required to be preserved permanently, such as judgments in trials held before the Court of Session, should be marked 'A' and kept in File 'A'.

(2) The papers which are semi-permanent in nature, such as Judgments of Court, other than the Sessions Court, should be marked 'B' and kept in File 'B'.

(3) The papers which have a bearing on the merits of the case, but which are not to be preserved for a long time, such as depositions, documents produced in evidence which are not required to be returned to the parties, confessions, statements of the accused, etc., should be marked 'C' and kept in File 'C'.

(4) The papers having no bearing on the merits of the case, such as vakalatnamas, remand orders etc. should be marked 'D' and kept in File 'D'.

(5) The papers in File 'A' shall be preserved permanently.

The papers in File B shall be destroyed after 30 years.

The papers in File 'C' shall be destroyed after 5 years.

The papers in File 'D' shall be destroyed after 2 years.

(6) The period prescribed above for the destruction of the record shall be computed from the date of the final decision of the case in the trial Court when no appeal or revision application has been filed, and from the date of the final decision of the appellate or revisional Court when an appeal or a revision application has been filed.

(7) While it is not possible to enumerate every document, which is required to be included in any particular file, a list of documents which should be included in the Files 'A', 'B', 'C' and 'D' respectively is given below for the guidance of the Courts.

(8) All papers of cases on the dormant file, except cases under the Motor Vehicles Act and such other Acts as may be specified by the High Court, shall be preserved for 30 years and should

be sent to the Record-room of the Court or to the common Record Room when provided after 5 years from the date of the receipt of the charge sheet or the complaint, as the case may be.

(9) All papers of cases on the dormant file under the Motor Vehicles Act and other Acts specified by the High Court, shall be despatched to the Record-Room of the Court or to the common Record Room when provided after two years from the date of the receipt of the charge sheet or the complaint, as the case may be, and shall be destroyed after 5 years from the said date.

LIST 'A'

- (1) Judgments and Heads of Charge in trials held before a Court of Session.
- (2) Such papers in cases of historical or scientific value, as in the opinion of the Sessions Judge should be preserved permanently.

LIST 'B'

- (1) Judgments of all Courts, except judgments in trials held by the Sessions Court and except judgments in cases tried summarily in which no appealable sentence has been passed.
- (2) Final orders (including orders as regards the disposal of property, orders permitting withdrawal or compounding of cases and orders for payment of compensation and costs).
- (3) Warrants of commitment to jail issued by the Sessions Court and warrants returned after execution of sentences in Sessions cases.
- (4) Copies of orders on petitions or mercy in Sessions cases and the papers connected therewith.

LIST 'C'

- (1) Roznama.
- (2) Complaints and verifications, including those dismissed under section 203, Criminal Procedure Code.
- (3) Orders sanctioning prosecutions.
- (4) Charges and pleas of accused.
- (5) Sanction order of the Central Government. Sec. 188 Criminal Procedure Code.
- (6) Lists of exhibits.
- (7) Depositions.
- (8) Confessions and Statements of Accused.
- (9) Documentary Exhibits, or copies of those returned.

Note:—Original documents which are to be returned should not be kept in any file.

- (10) Bonds taken from accused for keeping peace or for good behaviour.
- (11) Papers of Police enquiries held on orders of a Magistrate.
- (12) Reports of Police Officers asking for Summaries and orders passed thereon.

- (13) Registers excluding final orders of cases tried summarily.
- (14) All papers of appeals and revision proceedings in Sessions Courts except judgments.
- (15) Charge sheets.
- (16) Papers in regard to recovery of fines.
- (17) Papers of appeals excluding final orders against Municipal assessments.
- (18) Copies of judgments and orders of superior Courts communicated to lower Courts.
- (19) Warrants of commitments issued by Courts other than the Sessions Court and warrants returned to such Courts after execution of sentences.
- (20) Petitions for withdrawing or compounding cases.

LIST 'D'

- (1) Vakalatnamas and memos of appearances.
- (2) Remand orders including those passed by other Magistrates under section 167.
- (3) Police papers and reports other than those referred to in List C.
- (4) Papers subsidiary to orders sanctioning prosecutions.
- (5) Bail papers and bonds, including appellate orders as to bail.
- (6) Summonses, warrants, search warrants, proclamations, executions of processes, and all other papers under which attendance of witnesses and accused was obtained.
- (7) Commissions for examination of witnesses and returns thereto.
- (8) Applications for copies of decisions, adjournments, etc.
- (9) Notices of appeals received from the Jailer.
- (10) Writs calling for papers in revisions or appeals or copies thereof (if retained with case papers).
- (11) Intimations of results of appeals and revision applications.
- (12) Any correspondence as to committal of cases and despatch of papers of appeals, etc.
- (13) Papers and orders as to transfer of a case from one Court to another.
- (14) Reports as to marks of violence on undertrial prisoners in a case.

CHAPTER III

Papers not forming part of Court Proceeding

10. Papers not forming part of Court Proceedings shall be preserved in accordance with the directions given below.

A**Registers**

I. The following Registers shall be preserved indefinitely:—

- (i) Register of Sessions Cases.
- (ii) Register of Criminal Appeals and Revisions in the Sessions Court.
- (iii) Register of Miscellaneous Criminal Applications in the Sessions Court.

II. The following Registers shall be preserved for 30 years from the expiry of the year of the Registers:—

- (i) Register of Cases before Judicial Magistrates.
- (ii) Register of Miscellaneous Cases before Judicial Magistrates.
- (iii) Dormant File Register.
- (iv) Register of Municipal Appeals.

III. The following Registers shall be preserved for six years from the expiry of the year of the Register:—

- (i) All the Registers prescribed by High Court.
- (ii) Fine Register of the Sessions Courts and Magistrates' Courts.
- (iii) Register of Process and Process Fees as and where prescribed.
- (iv) Property Register including Valuable Muddemal Register.

(Unless final orders remain to be passed in regard to disposal of any case entered in the Register).

- (v) Unclaimed Property Register.
- (vi) Register of Copies supplied to Prisoners in Jail.

B**Statements and Returns**

The following statements shall be preserved for six years from the expiry of the period for which the statement is submitted:—

I. (i) Statements relating to the Annual Report on the Administration of Criminal Justice.

II. The following Returns and Statements shall be preserved for 2 years from the end of the month of quarter to which the Statement or Return relates:—

- (i) Monthly Returns of Judicial Magistrates (Office copies).
- (ii) Quarterly Returns of Judicial Magistrates (Office copies).
- (iii) Returns of Recognizance Bonds of Sessions and Magisterial Courts (Office copies).
- (iv) Returns of Special Judicial Magistrates. (Office copies).
- (v) Statements of Revenue realised under the Children Act (Office copies).

C**Miscellaneous Papers**

I. The following papers shall be preserved for 30 years from the dates specified below:—

- | | |
|---|--|
| (i) Instructions issued for guidance on examination of accounts. | From the date of receipt. |
| (ii) Reports of Enquiry Officers and final orders in Departmental Enquiries. | From the date of the final order. |
| II. The following papers shall be preserved for six years from the dates specified below:— | |
| (i) Audit Notes and Objections (Not containing instructions for guidance). | From the date of receipt. |
| (ii) Office copies of replies or explanations to Audit Notes and | From the dates of such replies or explanations. |
| (iii) Office copies of the Consolidated Statements of fines sent to the Accountant General. | From the date of despatch. |
| (iv) Complaints against the Police about torture or ill-treatment not resulting in criminal trials. | From the date of receipt of the complaint. |
| (v) Letters from superior Courts calling for reports or explanations and office copies of the reports or explanations submitted to the superior Courts. | From the date of report or explanation. |
| (vi) Inspection Reports and Memos and office copies thereof. | From the date of the Inspection report. |
| (vii) Statements, depositions and other records of Departmental Enquiries. (Other than reports of Enquiry Officers and final orders). | From the date of the final order. |
| (viii) Correspondence and office copies of correspondence relating to administrative subjects such as buildings, accommodation, strength of staff, etc. | From the date of the disposal of the subject to which such correspondence relates. |
| III. The following papers shall be preserved for two years from the dates specified below:— | |
| (i) Correspondence and office copies of correspondence relating to preparation of Paper Books in proceedings before Appellate and Revisional Courts. | From the date of despatch of the paper books. |
| (ii) Office copies of Intimation of Recovery of Fines. | From the date of despatch of the intimation. |
| (iii) Receipt books of payments received and disbursed in Sessions and Magisterial Courts. | After the checking of the accounts by the Head Office and Auditors. |

- (iv) Original Fines Statements sent to the Sessions Judge for consolidation.
- (v) Office copies of Fines Statements sent to the Sessions Judge for consolidation.
- (vi) Remarks of the High Court and Sessions Judge on Magisterial Returns.
- (vii) Correspondence and office copies of correspondence in regard to accommodation of Young Offenders and Lunatics in Reformatory Schools or Lunatic Asylums.
- (viii) Other Miscellaneous correspondence.

11. Notwithstanding anything contained in these Rules, the Sessions Judge or the Magistrate with the permission of the Sessions Judge may preserve the papers mentioned above for a longer time than that prescribed above if in their opinion it is necessary.

CHAPTER IV

General Rules (Civil and Criminal)

12. Each of the files A, B, C and D shall be checked by the Presiding Judge or the Associate Judge or Officer appointed by the Presiding Judge in that behalf to see that all the papers on the record have been properly marked and kept in appropriate files. Each file shall be separately paged and indexed.

13. All the files pertaining to any particular case shall be kept together in one bundle.

14. The Register in the form prescribed below shall be maintained in respect of the destroyed record.

Serial No.	No. and year of the case together with the names of the parties.	Date of decision with dates of decision in revisional or appellate Courts, if any.	No. of papers in the case as per Roznama.	No. of papers filed after the decision.	No. of exhibits not to be destroyed.
1	2	3	4	5	6

Date of receipt.	Shelf or Cupboard.	No. and year of appeal, if any.	Date of destruction.	If destroyed to what extent.	Remarks.
7	8	9	10	11	12

15. The Record Keeper of the District Court/Subordinate Court shall after comparing the Register preserved under the preceding rule with the records, make an endorsement which shall be duly signed by him and countersigned by the Presiding Judge.

"All cases in this Register have been examined by me and the number of papers is as stated in columns 4 and 5".

The Record Keeper shall then note in Column No. 12 opposite each case in which he has checked punching of the stamps.

"Checked punching of Stamps."

and he shall initial such note.

A true copy of the endorsement made by the Record Keeper shall be sent by him to the presiding Officer of the Court so as to reach him before the next batch of records is due to be sent.

16. The Sessions Judge shall give such orders and shall prescribe such forms, as may be necessary, for the proper arrangement of the records in the Record-room of the Court (or in the common Record-room as and when such a room is provided) and to facilitate the ready finding of any papers from the Records when required.

17. In respect of all such matters regarding preservation and destruction of records concerning the Establishment of Courts and for which no provision or insufficient provision has been made in these rules, the instructions issued by the Government of Goa, Daman and Diu under their Office Memorandum No. 3/34/77-ARD dated 24-1-1980 and circulated among the Courts with letter of the Judicial Commissioner's Court No. JCC/SC-3/ /80/35 dated 9-4-1980 shall mutatis mutandis apply to the preservation and destruction of the records of the Establishment of the Courts.

By Order

E. P. Lobo
Registrar.

Judicial Commissioner's Court.